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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,181	12/12/2003	Yasutoshi Nishimura	00597/0200639-US0	2581
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DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,181	Applicant(s) NISHIMURA ET AL. CT	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 5-13 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 14 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e); was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/2007 has been entered.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

3. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as now claimed. The specification as filed does not provide support for "a belt-shaped transparent composite plastic sheet which includes

... a polyethylene terephthalate sheet” as in claims 1 and 1, because the specification only discloses “the PET sheet 40 can be replaced by a biaxially oriented polypropylene sheet” not a polyethylene terephthalate sheet.

4. Claims 1-3, 14 and 19-22 are rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3, 14 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases “composite plastic sheet” in claims 1 and 2 and “the composite plastic sheet” in claim 14 are inaccurate and indefinite because the claims as amended comprise one of polyethylene terephthalate sheet and a bi-axially oriented polypropylene sheet and since only one sheet is not considered equivalent to “a composite plastic sheet” as claimed. The phrases “the edges” and “the side edge parts” in claim 1 lack proper antecedent basis. Claim 14 is inaccurate and indefinite because there is no inner sheet since only one sheet is claimed in claim 1. In claims 1 and 2, the term “its” should be replaced with the structural limitation to prevent confusion.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemasa et al. (5,908,113; hereinafter Takemasa'113) in view of Kai et al. (5,038,547; hereinafter Kai'547). To the extent that the Examiner can determine the scope of the claims, Takemasa'113 discloses a medicine wrapping machine for wrapping a medicine comprising a composite plastic sheet including a polypropylene layer (2) and a polyethylene layer (3) and the sheet is folded in longitudinally into two halves and side edge parts are joined and thermally fused to each other along the length of the sheet (column 1, lines 55-60). Takemasa'113 further discloses the sheet is thermally fused along the length in an orthogonal direction to a longitudinal direction of the wrapping sheet to form individual wrapping bag of a predetermined width to receive the medicine therein and lines of perforations (9-11) across the sheet along the length to permit separation of the individual wrapping bags. Takemasa'113 also discloses in the embodiment of Figure 8 that triangular notches (10, 11) are formed along each of the edges of the sheet (triangular notches are formed along each of the edges orthogonal along the length of the sheet on the first bag of the plurality of interconnected bags or the last bag of the plurality of interconnected bags or after separating the first bag from the plurality of interconnected bags) and since the triangular notches comprises unevenness surface which is considered equivalent the minute flaw as claimed. Takemasa'113 also discloses the other claimed limitations except for

the sheet comprises one of polyethylene terephthalate sheet and a bi-axially oriented polypropylene sheet.

Kai'547 teaches a process for producing a tightly sealed bag for holding medicine comprising a sheet formed from a biaxially oriented polypropylene to provide an additional strength to withstand impacts normally exerted during the course of fabrication such as printing, heat sealing, packing, transportation and storage (column 4, lines 23-33) and the sheet having minute flaw/unevenness surface (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Kai'547 to modify the sheet of Takemasa'113 so the sheet comprises a bi-axially oriented polypropylene sheet to provide an additional strength to the sheet to withstand the heat for heat sealing during fabrication and/or transportation.

Regarding the shaped of the sheet, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sheet of Takemasa'113 so the sheet comprises a belt-shaped sheet because the selection of the specific shape for the sheet such as belt-shaped as claimed or the sheet of Takemasa'113 or Kai'547 would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

9. Claims 2, 3, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim1 above, and further in view of The Japanese Publication No. 05-18256 (hereinafter JP'18256) or The Japanese Publication No. 05-49646 (hereinafter JP'49646). The wrapping of Takemasa'113 as modified further fails to show the sheet being formed in a wavy or saw-toothed shape to overlap each other when the sheet is folded in two.

JP'18256 shows in the embodiment of Figure 14 comprising a bag having having saw-toothed shape along the edge parts to facilitate opening the bag. JP'49646 teaches a bag comprising saw-toothed shape (8, 9) along the edge parts to facilitate opening the bag. It would have been obvious to one having ordinary skill in the art in view of JP'18256 or JP'49646 to modify the sheet of Takemasa'113 as modified so the sheet comprises saw-toothed shape to overlap each other when the sheet is folded in two to facilitate opening the bag.

Response to Arguments

Applicant's arguments with respect to all pending claims have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
January 16, 2008

/Luan K. Bui/
Primary Examiner
Art Unit 3728